

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MICHELLE CAIN and RADHA SAMPAT, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

REDBOX AUTOMATED RETAIL, LLC, a Delaware limited liability company,

Defendant.

Case No. 2:12-cv-15014-GER-RSW

Hon. Gerald E. Rosen

Mag. Judge R. Steven Whalen

**UNOPPOSED MOTION FOR ORDER PERMITTING
PLAINTIFFS TO FILE OPPOSITION BRIEF UNDER SEAL**

Pursuant to Local Rules 5.3(b) and 26.4, Plaintiffs Michelle Cain and Radha Sampat (“Plaintiffs”) respectfully request that the Court enter an Order permitting them to file under seal their Brief in Opposition to Defendant’s Motion for Summary Judgment. Plaintiffs certify that, pursuant to Local Rule 7.1(a), there was a conference between attorneys for Plaintiffs and attorneys for Redbox Automated Retail, LLC (“Redbox”) on October 10, 2014, and Redbox’s attorneys indicated that they would not oppose the relief sought in this Motion.

WHEREFORE, Plaintiffs Michelle Cain and Radha Sampat respectfully request that this Court enter an Order (i) granting Plaintiffs’ Motion to File

Opposition Brief Under Seal, and (ii) providing such other relief as the Court deems reasonable and just.

Respectfully submitted,

Dated: October 10, 2014

MICHELLE CAIN and RADHA SAMPAT, individually and on behalf of all others similarly situated,

By: s/ Ari J. Scharg
One of Plaintiffs' Attorneys

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**BRIEF IN SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR ORDER PERMITTING PLAINTIFFS
TO FILE OPPOSITION BRIEF UNDER SEAL**

STATEMENT OF ISSUES PRESENTED

Should Plaintiffs Michelle Cain and Radha Sampat be permitted to file under seal their Brief in Opposition to Defendant's Motion for Summary Judgment?
Plaintiffs' Answer: Yes.

CONTROLLING AND MOST IMPORTANT AUTHORITY

E.D. Mich. L.R. 5.3

E.D. Mich. L.R. 26.4

Plaintiffs Michelle Cain and Radha Sampat (“Plaintiffs”) submit this Brief in support of their Unopposed Motion to File Opposition Brief Under Seal. Plaintiffs seek to file under seal their Brief in Opposition to Defendant’s Motion for Summary Judgment (the “Opposition Brief”). The Opposition Brief references and discusses documents that have been marked “Confidential” by Defendant Redbox Automated Retail, LLC (“Redbox”) pursuant to the Protective Order previously entered in this case. (Dkt. 34.) Those documents contain information considered sensitive and proprietary by Redbox or Redbox’s third-party vendors.

It is well settled that all courts have supervisory power over their own records and files, and may deny access “where court files might . . . become a vehicle for improper purposes.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *see also Brown & Williamson Tobacco Corp. v. Fed. Trade Comm’n*, 710 F.2d 1165, 1179 (6th Cir. 1983) (noting that legitimate interests in limiting public access include “certain privacy rights of participants or third parties [and] trade secrets”); *Turner v. Bresette*, 2012 WL 4511244, at *2 (E.D. Mich. Sept. 30, 2012) (“The Court may order that documents containing private or sensitive information be filed under seal.”) (citing E.D. Mich. L.R. 5.3). A party seeking to file a document under seal must demonstrate “compelling reasons” for doing so. *White v. GC Servs. Ltd. P’ship*, 2009 WL 174503, at *1 (E.D. Mich. Jan. 23, 2009) (citing *Meyer Goldberg, Inc. v. Fisher Foods, Inc.*, 823 F.2d 159, 163 (6th Cir.

1987)).

Here, compelling reasons exist for allowing Plaintiffs to file the Opposition Brief under seal because it contains information deemed sensitive and proprietary and marked Confidential by Redbox pursuant to the Protective Order. Pursuant to Local Rule 5.3(b)(2)(A)(iv), a means other than sealing this document is not available to preserve Redbox's interests in protecting the private and sensitive information contained therein.

Wherefore, Plaintiffs respectfully request that this Court enter the Proposed Order submitted contemporaneously with the filing of this Motion.

Dated: October 10, 2014

Respectfully submitted,

MICHELLE CAIN and RADHA SAMPAT, individually and on behalf of all others similarly situated,

By: s/ Ari J. Scharg
One of Plaintiffs' Attorneys

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Counsel for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I, Ari, J. Scharg, an attorney, certify that on October 10, 2014, I served the above and foregoing ***Unopposed Motion for Order Permitting Plaintiffs to File Opposition Brief Under Seal***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Ari J. Scharg